

Application Serial No. 10/573,900

FEB 17 2009 OT-5229

**REMARKS**

Reconsideration of this application is respectfully requested in view of the following remarks. Claims 1-4, 6, 7, and 9-11 were pending and were rejected in the Office Action. By way of this Reply, no claims have been amended and/or canceled and, therefore, claims 1-4, 6, 7, and 9-11 remain pending for further consideration.

**1. Rejections of Claims 1-4, 6, 7, and 9-11 under 35 U.S.C. § 103(a)**

Under 35 U.S.C. § 103(a), the Examiner rejected: (a) claims 1-4, 9, and 10 as allegedly being obvious when considering U.S. Patent No. 483,145 ("Giles") in view of U.S. Patent No. 1,252,737 ("Tanner") and U.S. Patent No. 5,773,771 ("Chatham"); (b) claims 6 and 7 as allegedly being obvious when considering Giles in view of Tanner and Chatham and further in view of U.S. Patent No. 1,773,163 ("Becker"); and (c) claim 11 as allegedly being obvious when considering Giles in view of Tanner and Chatham and further in view of U.S. Patent No. 6,305,499 ("Jones"). Applicants respectfully traverse each of these rejections.

As previously presented, claim 1 (*i.e.*, the claim from which claims 2-4, 6, 7, and 9-11 depend) recites a safety device for elevators having no machine room and flexible tension member. This safety device includes, among other possible things (*italic emphasis added*):

- an upper median crosspiece forming part of an elevator car support arcade;
- an electric contact; and
- at least two rigid rods mounted sliding on the crosspiece and arranged symmetrically with respect to a median traction plane,

wherein the at least two rigid rods are adapted to move: (a) in an active outgoing position projecting from the crosspiece so as to come opposite and simultaneously in contact with a corresponding stop fixed at an adequate height on a guide rail; and (b) in an inactive incoming position so as to be out of range of the stop,

wherein the inactive incoming position corresponds to a normal operating mode of the elevator, and

*wherein the active outgoing position corresponds to a maintenance or inspection mode of the elevator,*

wherein the electric contact is placed in series with a first control switch that authorizes functioning of the inspection or maintenance mode, and

wherein the electric contact is configured to be triggered, when the at least two rigid rods are in the outgoing position, thereby automatically closing the elevator functioning control circuit when the elevator car reaches a predetermined location.

As hereafter explained the combination of Giles, Tanner, and Chatham fails to teach or suggest at least the above-italicized limitations of claim 1. Moreover, neither Becker nor Jones cures these deficiencies.

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When rejecting claim 1, the Examiner states: (a) "Giles discloses a safety device . . . comprising . . . wherein the active outgoing position corresponds to a maintenance or inspection mode of the elevator"; and (b) "Tanner teaches a safety device . . . comprising . . . wherein the active outgoing position corresponds to a maintenance or inspection mode of the elevator." See Office Action at pp. 2-4. Applicants respectfully disagree with both of these assertions.

The cited portion of Giles (*i.e.*, col. 3, lines 17-44) in no way teaches or suggests that the bars F were to be actuated for a "maintenance or inspection mode of the elevator," as recited in claim 1. Rather, Giles clearly teaches that the bars F were solely to be used during the car's *normal* operating mode so as to improve the stability of the car H at the landing, thereby enabling passengers to embark/disembark in a more secure fashion. One of ordinary skill in the art would readily recognize that an elevator car is not in "maintenance or inspection mode" while passengers are embarking/disembarking at landings; such embarkation/disembarkation can only occur during the car's normal operating mode.

Similarly, Tanner teaches an emergency stopping device in the form of slidable members 14, barbs 6, and springs 13 that are deployed when "one or more of said cables becomes accidentally broken." Moreover, the engagement of Tanner's safety device is maintained "until the broken cable or cables 5 have been restored." See Tanner at lines 77-100. As such, Tanner teaches a device that is employed to stop the elevator car in the event of an emergency. In no way does Tanner teach or suggest that its safety device is to deployed during "maintenance or inspection mode of the elevator," as recited in claim 1.

Finally, although Chatham teaches a device that is deployed during maintenance and inspection modes, nowhere has the Examiner provided any justification for replacing the car stabilizing device of Giles or the emergency stopping device of Tanner with the maintenance and inspection device disclosed in Chatham. Rather, the Examiner's application of Chatham continues to pertain solely to Chatham's teachings regarding switches 68a, 68b that are employed when the maintenance and inspection device is deployed. This limited application of Chatham makes sense in light of the fact that replacing: (a) the car stabilizing device of Giles with Chatham's device would defeat Giles intended purpose (*i.e.*, landing stabilization); and (b) emergency stopping device of Tanner with Chatham's device would defeat Tanner's intended purpose (*i.e.*, preventing a free-fall of an elevator car in the event of a cable break). Accordingly, Chatham can not be used to cure the deficiencies of Giles and Tanner. Moreover, neither Becker nor Jones can be used to cure the deficiencies of Giles and Tanner.

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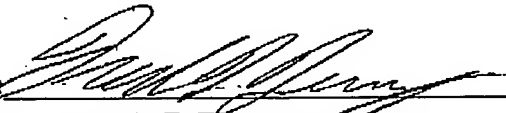
In light of the foregoing, the combination of Giles, Tanner, Chatham, Becker, and/or Jones can not be used to reject claim 1, or any claim dependent thereon, under 35 U.S.C. § 103(a). Moreover, as claims 2-4, 6, 7, and 9-11 depend from claim 1, each of these dependent claims is also allowable over the combination of Giles, Tanner, Chatham, Becker, and/or Jones. Accordingly, a withdrawal of the various § 103(a) rejections of claims 1-4, 6, 7, and 9-11 is both appropriate and respectfully solicited.

## 2. Conclusion

In light of the foregoing, claims 1-4, 6, 7, and 9-11 are in condition for allowance. If the Examiner believes that a telephone conference will be useful to move this case forward toward issue, Applicant's representative will be happy to discuss any issues regarding this application and can be contacted at the telephone number indicated below.

Respectfully submitted,

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